

53B-17-603. Curation and deposit of specimens.

(1) For purposes of this section:

(a) "Collections" is defined as provided in Section 9-8-302.

(b) "Curation facility" means:

(i) the museum;

(ii) an accredited facility meeting federal curation standards; or

(iii) an appropriate state park.

(c) "Museum" means the Utah Museum of Natural History.

(d) "Repository" means:

(i) a facility designated by the museum through memoranda of agreement; or

(ii) a place of reburial.

(e) "School and institutional trust lands" are those properties defined in Section 53C-1-103.

(2) The museum shall make rules to ensure the adequate curation of all collections from lands owned or controlled by the state or its subdivisions. The rules shall:

(a) conform to, but not be limited by, federal curation policy;

(b) recognize that collections recovered from school and institutional trust lands are owned by the respective trust, and shall be made available for exhibition as the beneficiaries of the respective trust may request, subject to museum curation policy and the curation facility's budgetary priorities;

(c) recognize that any collections obtained in exchange for collections found on school and institutional trust lands shall be owned by the respective trust; and

(d) recognize that if, at its discretion, the curation facility makes and sells reproductions derived from collections found on school or institutional trust lands, any money obtained from these sales shall be given to the respective trust, but the curation facility may retain money sufficient to recover the direct costs of preparation for sale and a reasonable fee for handling the sale.

(3) (a) The museum may enter into memoranda of agreement with other repositories located in and outside the state to act as its designee for the curation of collections.

(b) In these memoranda, the museum may delegate some or all of its authority to curate.

(4) (a) All collections recovered from lands owned or controlled by the state or its subdivisions shall be deposited at the museum, a curation facility, or at a repository within a reasonable time after the completion of field work.

(b) The museum shall make rules establishing procedures for selection of the appropriate curation facility or repository.

(c) The rules shall consider:

(i) whether the permittee, authorized pursuant to Section 9-8-305, is a curation facility;

(ii) the appropriateness of reburial;

(iii) the proximity of the curation facility or repository to the point of origin of the collection;

(iv) the preference of the owner of the land on which the collection was found;

(v) the nature of the collection and the repository's or curation facility's ability

and desire to curate the collection in question, and ability to maximize the scientific, educational, and cultural benefits for the people of the state and the school and institutional trusts;

(vi) selection of a second curation facility or repository, if the original repository or curation facility becomes unable to curate the collections under its care; and

(vii) establishment of an arbitration process for the resolution of disputes over the location of a curation facility or repository, which shall include an ultimate arbitration authority consisting of the landowner, the state archaeologist or paleontologist, and a representative from the governor's office.

(d) The repository or curation facility may charge a curation fee commensurate with the costs of maintaining those collections, except that a fee may not be charged to the respective trust for collections found on school or institutional trust lands.

(5) The repository or curation facility shall make specimens available through loans to museums and research institutions in and out of the state when, in the opinion of the repository or curation facility:

(a) the use of the specimens is appropriate; and

(b) arrangements are made for safe custodianship of the specimens.

(6) The museum shall comply with the procedures of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding publication of its rules in the Utah State Bulletin and the Utah Administrative Code.

Amended by Chapter 382, 2008 General Session